



# Journal of the House

State of Indiana

114th General Assembly

First Regular Session

Sixteenth Meeting Day

Tuesday Afternoon

February 8, 2005

The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Representative P. Eric Turner.

The Pledge of Allegiance to the Flag was led by Representative Robert K. Alderman.

The Speaker ordered the roll of the House to be called:

|             |             |
|-------------|-------------|
| T. Adams    | Klinker     |
| Aguilera    | Koch        |
| Alderman    | Kromkowski  |
| Austin      | Kuzman      |
| Avery       | L. Lawson ☐ |
| Ayres       | Lehe        |
| Bardon      | Leonard     |
| Bauer       | J. Lutz     |
| Becker      | Mahern      |
| Behning     | Mays        |
| Bischoff    | McClain     |
| Borders     | Messer      |
| Borror      | Micon       |
| Bottorff    | Moses       |
| Bright      | Murphy      |
| C. Brown    | Neese       |
| T. Brown    | Noe         |
| Buck        | Orentlicher |
| Budak ☐     | Oxley       |
| Buell       | Pelath      |
| Burton      | Pflum       |
| Cheney      | Pierce      |
| Cherry      | Pond        |
| Cochran     | Porter      |
| Crawford    | Reske       |
| Crooks      | Richardson  |
| Davis       | Ripley      |
| Day         | Robertson   |
| Denbo       | Ruppel      |
| Dickinson ☐ | Saunders ☐  |
| Dobis       | J. Smith    |
| Dodge       | V. Smith    |
| Duncan      | Stevenson   |
| Dvorak      | Stilwell    |
| Espich      | Stutzman    |
| Foley       | Summers     |
| Friend      | Thomas      |
| Frizzell    | Thompson    |
| Fry         | Tincher     |
| GiaQuinta   | Torr        |
| Goodin      | Turner      |
| Grubb       | Ulmer       |
| Gutwein     | VanHaaften  |
| E. Harris   | Walorski    |
| T. Harris   | Welch       |
| Heim        | Whetstone   |
| Hinkle      | Wolkins     |
| Hoffman     | Woodruff    |
| Hoy         | Yount       |
| Kersey      | Mr. Speaker |

Roll Call 95: 96 present; 4 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 23 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, February 10, 2005 at 10:00 a.m.

ORENTLICHER

Motion prevailed.

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 10

Representatives Welch, Pierce, Klinker, and Alderman introduced House Concurrent Resolution 10:

A CONCURRENT RESOLUTION honoring Calbert Cree.

*Whereas, The servicemen and servicewomen of the United States who defend our country are an integral part of the safety of our country and the consistent excellence of our military forces;*

*Whereas, In peacetime, the servicemen and servicewomen of the United States may be stationed in places far away from their families and loved ones, and in time of war they face the possibility of death or serious injury;*

*Whereas, Calbert Cree is a brave American who has helped to defend and vigilantly guard American soil;*

*Whereas, Born in Tippecanoe County, Calbert Cree entered the United States Army in December 1961, and served his country honorably until his discharge in 1964, by serving in the Military Policy Security Headquarters in Arlington, Virginia;*

*Whereas, After his discharge, Calbert Cree continued to work for veterans, serving as the Community Services Director of the Indiana Veterans' Home, a charter member of the Veterans Service Foundation of Indiana, and a voting member of the Tippecanoe County Veterans Council;*

*Whereas, In addition to his work with the Indiana Veterans' Home and the Tippecanoe County Veterans Council, Calbert Cree is a charter/lifetime member of AMVETS Post 79 (serving as the Commander from 1997 to 2005), the Chairman of the Indiana Veterans' Home Committee Department of AMVETS, the AMVETS Department Senior Vice Commander and Commander, the Commander and a life member of the American Legion Post 492, the Commander of the American Legion 2nd District, the Vice-Commander of the American Legion Northern Department, and a member of the American Legion Department Indiana Veterans' Home Committee;*

*Whereas, Calbert Cree is a 32nd Degree Master Mason, has served as Treasurer and Secretary of Masonic Lodge 511, and is a member of the Murat Shrine and past President and Treasurer of the Tippecanoe Shrine Club; and*

*Whereas, America has always been committed and grateful to those who serve her in the military, and Calbert Cree is one such person: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the members of the Indiana General Assembly acknowledges the many accomplishments of Calbert Cree and his many hours of dedicated service to the veterans of the State of Indiana and the United States.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Calbert Cree.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Alting and Simpson.

### House Concurrent Resolution 11

Representatives Fry, Dvorak, and Walorski introduced House Concurrent Resolution 11:

A CONCURRENT RESOLUTION congratulating the Penn High School Spell team and coach on their sixth consecutive state championship.

*Whereas, The Hoosier Spell Bowl is an academic competition;*

*Whereas, The competition consists of ten rounds of nine words each. The words are read by an emcee with a different team member competing in each round;*

*Whereas, Each participant has 15 seconds to write the word in the correct space on the answer sheet;*

*Whereas, At the conclusion of the 15 seconds, the word is scored by a proctor before the emcee reads the next word;*

*Whereas, The Penn High School Spell team is the Hoosier Spell Bowl champion for the sixth consecutive time, defeating Martinsville and East Noble in the final round with a perfect score of 90;*

*Whereas, The Penn High School Spell team had a 92-0 record this season and has been undefeated since 1999, winning 36 consecutive competitions and amassing a record of 422-0-2;*

*Whereas, Penn High School Spell team members established a single season state record with five perfect team scores;*

*Whereas, Victorious in all six invitationals, Penn High School Spell team members scored a perfect team score in three of the six meets;*

*Whereas, Penn High School Spell team co-captain Ashley Harlacher set an unofficial state career scoring record by correctly spelling all 225 words in her four years of varsity competition;*

*Whereas, Penn High School Spell team coach Peter DeKever was also recently recognized for his dedication and hard work by being named one of the Academic Coaches of the Year by the Indiana Association of School Principals;*

*Whereas, The Penn High School Spell team members and their coach have worked long and hard to achieve this honor; and*

*Whereas, Academic excellence such as this deserves special recognition: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana House of Representatives congratulates the Penn High School Spell team members and their coach on their victory in the state finals of the Hoosier Spell Bowl.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Penn High School Spell team members and coach and to the Penn High School principal and superintendent.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Zakas.

### House Resolution 12

Representatives Behning, Hoffman, and Porter introduced House

### Resolution 12:

A HOUSE RESOLUTION commending the Indiana Career and Technical Education system and recipients of the Indiana Career and Technical Education Awards for Excellence.

*Whereas, The people of the State of Indiana take great pride in recognizing the accomplishments of Indiana's educational system through its outstanding students, programs, guidance/personal services, and partnerships;*

*Whereas, On February 8, 2005 recipients of the Sixteenth Annual Indiana Career and Technical Education Awards for Excellence are being announced;*

*Whereas, The Awards for Excellence program recognizes vocational students, programs, guidance/personnel services, and partnerships that exemplify excellence in vocational and technical education and recipients are identified as a result of a highly competitive selection process; and*

*Whereas, This year's recipients of these prestigious awards are as follows:*

| <u>Secondary Students</u> |                              |                                |
|---------------------------|------------------------------|--------------------------------|
| <u>Name</u>               | <u>School</u>                | <u>Program</u>                 |
| William Barnes, Jr.       | Prosser School of Technology | Horticulture Science/Landscape |
| Tomi Cross                | New Castle Area Vocational   | Health Occupations             |
| Robert Dailey             | Walker Career Center         | Food Industry Occupation       |
| Jordan Gibson             | New Castle Area Vocational   | Interdisciplinary Coop Ed      |
| Jarrett Isenberg          | Prosser School of Technology | Power Equipment Technology     |
| Julia Langenhop           | Elkhart Area Career Center   | Administrative Support         |
| Shelby Neeley             | Twin Rivers Vocational       | Medical Careers                |
| Chelsi Norton             | Southeastern Career Center   | Health Careers II              |
| Nathan Paugh              | New Castle Area Vocational   | Computer Operations            |

| <u>Postsecondary Students</u> |                                    |   |
|-------------------------------|------------------------------------|---|
| <u>Name</u>                   | <u>School</u>                      | <u>Program</u>                                    |
| Matthew Ashcraft              | Vincennes University               | Computer Integrated Mgt.                          |
| Courtney Fullmer              | Ivy Tech State College -Richmond   | Early Childhood Education                         |
| Danielle Gentry               | Vincennes University               | Broadcasting                                      |
| Billie Joy                    | Ivy Tech State College -Richmond   | Assoc. of Science-Nursing                         |
| Kassandra Keen                | Vincennes University               | Electronic Technology-Computer Networking LAN     |
| Jason Marcum                  | Ivy Tech State College -Richmond   | Automotive Technology                             |
| Lynette McIntyre              | Ivy Tech State College -Evansville | Practical Nursing                                 |
| Ryan Ross                     | Ivy Tech State College -Evansville | Manufacturing & Industrial Tech/Welding Specialty |
| Darya Shalahina               | Vincennes University               | Webmaster   |
| Edward Small, Jr.             | Vincennes University               | Broadcasting                                      |
| Markitta Woods                | Ivy Tech State College -Gary       | Office Administration                             |

### Guidance Personnel Services

eGuidance

McKenzie Career

| <u>Secondary Programs</u>              |                            |
|--|----------------------------|
| Cosmetology                            | McKenzie Career Center     |
| Digital Media & Graphic Communications | Central Nine Career Center |

| <u>Postsecondary Programs</u>         |                                 |
|---------------------------------------|---------------------------------|
| Manufacturing & Industrial Technology | Ivy Tech State College - Gary   |
| Medical Assisting                     | Ivy Tech State College - Kokomo |

| <u>Partnerships</u> |  |
|---------------------|--|
| Robotics            | McKenzie Career Center, Alexander ScrewProducts, Ryobi Die Casting, Clarian Health, Rolls Royce Corporation, Aircom Mfg. |

Wabash Industrial Consortium

Ivy Tech State College-Kokomo, Bulldog Battery Corporation, Dexter Axle, GDX Automotive, Hayes-Lemmerz, Inc., Heckman Bindery, Inc., Oji Intertach, Inc., Thermafiber, Inc., Wabash MPI-Carver  
Ivy Tech State College-Lafayette, Tippecanoe County Child Care

Growing Up Healthy

*Whereas, The success and accomplishments of these individuals and programs reflect favorably upon Indiana's educational system, their respective communities and the entire State of Indiana: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives commends the Indiana Career and Technical Education System and congratulates all recipients of the Twenty-first Annual Indiana Career and Technical Education Awards for Excellence for their outstanding achievements.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this Resolution to Terry R. Fields, State Director of Vocational and Technical Education, the Indiana Association of Career and Technical Education President, and to all recipients of the Twenty-first Annual Indiana Vocational Education Awards for Excellence.

The resolution was read a first time and adopted by voice vote.

### Senate Concurrent Resolution 23

The Speaker handed down Senate Concurrent Resolution 23, sponsored by Representative Foley:

A CONCURRENT RESOLUTION to recognize Wayne Dillman for his thirty-four years of distinguished service to the agricultural industry and to congratulate him on his retirement from the Indiana Farmers Union.

*Whereas, Wayne Dillman was born in Banta, Indiana, graduated from Martinsville High School, and has been a lifelong resident of Morgan County;*

*Whereas, In 1951, Wayne graduated from Purdue University, School of Agriculture with a BS degree;*

*Whereas, In 1955 he married Margaret Jo Hardin. They have four children, six grandchildren, and one great-grandchild;*

*Whereas, In 1970 Wayne joined the Indiana Farmers Union as a lobbyist in the General Assembly and on November 23, 2004 completed 34 years of continuous service in that role;*

*Whereas, Wayne has been involved in the Hoosier Farmland Task Force, Indiana Commission for Agriculture and Rural Development, the National Association of Storytellers, Board of Directors for the FFA Foundation, and is a charter member of 'The Barn' (Center for Agriculture Science and Heritage);*

*Whereas, In the summer of 1996, Wayne joined with Mauri Williamson and the Purdue Agriculture Alumni Association in the operation of the Pioneer Village at the Indiana State Fair;*

*Whereas, He has also been involved in his local community serving two terms as Advisory Board Member to the Green Township Trustee's Office and three terms on the Martinsville School Board. In addition, he has also written a book on rural life in Morgan County; and*

*Whereas, Wayne says that one of his most gratifying accomplishments is joining together with others to collect over a quarter of a million dollars in donations that designed and erected a beautiful Morgan County Veterans Memorial: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly hereby recognizes the outstanding career and the many accomplishments of Wayne Dillman and honors him upon his retirement.

SECTION 2. The Secretary of the Senate is hereby directed to

transmit a copy of this resolution to Wayne Dillman.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1007, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 1.

BUCK, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Small Business, to which was referred House Bill 1066, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, between lines 15 and 16, begin a new paragraph and insert: "SECTION 5. IC 36-7-32-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 23. (a) Each redevelopment commission that establishes a certified technology park under this chapter shall establish a certified technology park fund to receive:

- (1) property tax proceeds allocated under section 17 of this chapter; and
- (2) money distributed to the redevelopment commission under section 22 of this chapter.

(b) Money deposited in the certified technology park fund may be used by the redevelopment commission only for one (1) or more of the following purposes:

- (1) Acquisition, improvement, preparation, demolition, disposal, construction, reconstruction, remediation, rehabilitation, restoration, preservation, maintenance, repair, furnishing, and equipping of public facilities.
- (2) Operation of public facilities described in section 9(2) of this chapter.
- (3) Payment of the principal of and interest on any obligations that are payable solely or in part from money deposited in the fund and that are incurred by the redevelopment commission for the purpose of financing or refinancing the development of public facilities in the certified technology park.
- (4) Establishment, augmentation, or restoration of the debt service reserve for obligations described in subdivision (3).
- (5) Payment of the principal of and interest on bonds issued by the unit to pay for public facilities in or serving the certified technology park.
- (6) Payment of premiums on the redemption before maturity of bonds described in subdivision (3).
- (7) Payment of amounts due under leases payable from money deposited in the fund.
- (8) Reimbursement to the unit for expenditures made by it for public facilities in or serving the certified technology park.
- (9) Payment of expenses incurred by the redevelopment commission for public facilities that are in the certified technology park or serving the certified technology park.
- (10) For any purpose authorized by an agreement between redevelopment commissions entered into under section 26 of this chapter.

(c) The certified technology park fund may not be used for operating expenses of the redevelopment commission.

SECTION 6. IC 36-7-32-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 26. (a) Two (2) or more redevelopment commissions may enter into a written agreement under this section to jointly undertake economic development projects in the certified technology parks established by the

redevelopment commissions that are parties to the agreement.

(b) A party to an agreement under this section may do one (1) or more of the following:

- (1) Except as provided in subsection (c), grant one (1) or more of its powers to another party to the agreement.
- (2) Exercise any power granted to it by a party to the agreement.
- (3) Pledge any of its revenues, including taxes or allocated taxes under section 17 of this chapter, to the bonds or lease rental obligations of another party to the agreement under IC 5-1-14-4.

(c) A redevelopment commission may not grant to another redevelopment commission the power to tax or to establish an allocation area under this chapter.

(d) An action to challenge the validity of an agreement under this section must be brought not more than thirty (30) days after the agreement has been approved by all the parties to the agreement. After that period has passed, the agreement is not contestable for any cause.

SECTION 7. IC 36-7-32-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 27. An agreement described in section 26 of this chapter must provide for the following:

- (1) Its duration.
- (2) Its purpose.
- (3) The manner of financing, staffing, and supplying the joint undertaking and of establishing and maintaining a budget for the joint undertaking.
- (4) The methods that may be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon partial or complete termination.
- (5) The manner of acquiring, holding, and disposing of real and personal property used in the joint undertaking.
- (6) Any other appropriate matters."

Page 6, after line 10, begin a new paragraph and insert:

"SECTION 7. [EFFECTIVE JULY 1, 2005] (a) The department of environmental management shall give priority to permit applications that concern:

- (1) current or former United States government military bases or other military installations; and
- (2) the destruction, reclamation, recycling, reprocessing, or demilitarization of ordnance and other explosive materials.

(b) This SECTION expires July 1, 2008."

Renumber all SECTIONS consecutively.

(Reference is to HB 1066 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BORROR, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1135, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

BUCK, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1197, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 4, delete "If" and insert "Except as provided in subsection (i), if".

Page 2, line 14, delete "of:" and insert "of".

Page 2, line 15, delete "(A)".

Page 2, line 15, delete "children; or" and insert "children who drafted a report regarding a potential adoption."

Page 2, run in lines 14 through 15.

Page 2, delete lines 16 through 17.

Page 2, between lines 22 and 23, begin a new paragraph and insert:

"(i) A court may not order a private licensed child placing agency to provide an adoption review board any reports."

(Reference is to HB 1197 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BUDAK, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1217, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 3, delete "is at least eighteen (18)" and insert "is:

(A) at least twenty-one (21) years of age; and

(B) provides proof of identification."

Page 2, delete line 4.

Page 2, line 12, delete "is at least eighteen (18)" and insert "is:

(i) at least twenty-one (21) years of age; and

(ii) provides proof of identification."

Page 2, delete line 13.

Page 2, line 19, delete "is at least eighteen (18)" and insert "is:

(A) at least twenty-one (21) years of age; and

(B) provides proof of identification."

Page 2, delete line 20.

Page 2, line 33, delete "is at least eighteen (18)" and insert "is:

(1) at least twenty-one (21) years of age; and

(2) provides proof of identification;"

Page 2, line 34, delete "years of age,"

Page 2, line 34, beginning with "a person" begin a new line blocked left.

(Reference is to HB 1217 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BUDAK, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1270, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 11, delete ";" and insert "as a result of an act described in subsection (d)(1);".

(Reference is to HB 1270 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

ULMER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred House Bill 1289, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, delete "adopted by ASME" and insert "specified by ASME A17.1-2000 or any subsequent adoption of a later edition of the Safety Code for Elevators and Escalators adopted by the commission as required by IC 22-13-2-2(d), incorporated by reference in 675 IAC 21-3-1 and amended by 675 IAC 21-3-2, does not apply to a hydraulic elevator that was installed before January 2, 2003, in which the hydraulic cylinder shaft travels less than thirty (30) feet, if the hydraulic elevator is:

(1) modified to meet compliance with Rule 8.6.5.8 of the Safety Code for Elevators and Escalators as specified by ASME A17.1-2000;

**(2) modified through the installation of a plunger gripper in compliance with section 3.17.3 of ASME A17.1-2004 and, after installation, the plunger gripper is inspected and maintained in accordance with the requirements of ASME A17.1-2004; or**

**(3) maintained, monitored, and inspected at least once every two (2) months by an elevator mechanic to ensure that the proper level of hydraulic fluid remains to keep the elevator in proper operating order.**

SECTION 2. IC 22-15-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The following definitions apply to sections 1.6 and 7 through 16 of this chapter:

(1) "Competency examination" means an examination that thoroughly tests the scope of the knowledge and skill of the applicant for the license.

(2) "Educational institution" has the meaning set forth in IC 20-12-0.5-1.

(3) "Elevator apprentice" means an individual who works under the direct supervision of a licensed elevator mechanic. The term includes an individual commonly known as an elevator helper while working under the direct supervision of a licensed elevator mechanic.

(4) "Elevator contractor" means a person who alone or with other persons, constructs, repairs, alters, remodels, adds to, subtracts from, or improves a regulated lifting device and who is responsible for substantially all the regulated lifting devices within the entire project, or who fabricates elevator lifting devices substantially completed and ready for installation.

(5) "Elevator inspector" means an individual who conducts the acceptance inspection of a regulated lifting device required by section 4(c)(1)(A) of this chapter.

(6) "Elevator mechanic" means an individual who engages in the construction, reconstruction, alteration, maintenance, mechanical, or electrical work or adjustments of a regulated lifting device.

(7) "License" means a certificate issued by the department that confers upon the holder the privilege to act as an elevator contractor, elevator inspector, or elevator mechanic.

(8) "Licensing program" means the program for licensing elevator contractors, elevator inspectors, and elevator mechanics established under this section and sections 7 through 16 of this chapter.

(9) "Municipality" has the meaning set forth in IC 36-1-2-11.

(10) "Person" means:

(A) a natural person;

(B) the partners or members of a partnership or a limited partnership;

(C) an educational institution; or

(D) a corporation or the officers, directors, and employees of the corporation.

(11) "Practitioner" means a person that holds:

(A) an unlimited license;

(B) a limited or probationary license;

(C) a temporary license;

(D) an emergency license; or

(E) an inactive license.

(b) The commission and the department shall establish a program to license elevator contractors, elevator mechanics, and elevator inspectors.

(c) The department shall issue a license as an elevator contractor, an elevator mechanic, or an elevator inspector to a person who qualifies and complies with the provisions of the licensing program. A person who receives a license under this chapter is subject to the supervision and control of the department.

(d) The department may contract with public and private institutions, agencies, businesses, and organizations to implement all or part of its duties established under this chapter.

(e) The commission may adopt rules under IC 4-22-2 to implement the licensing program."

Page 1, delete lines 7 through 12.

Renumber all SECTIONS consecutively.

(Reference is to HB 1289 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

TORR, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1332, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 9, reset in roman "six hundred dollars".

Page 1, line 10, reset in roman "(\$600)".

Page 1, line 10, delete "one thousand dollars (\$1,000)".

Page 2, line 2, delete "one thousand dollars (\$1,000)" and insert **"six hundred dollars (\$600)"**.

Page 2, line 11, reset in roman "four hundred".

Page 2, line 12, reset in roman "dollars (\$400)".

Page 2, line 12, delete "eight hundred dollars (\$800)".

Page 2, line 20, delete "eight hundred dollars (\$800)" and insert **"four hundred dollars (\$400)"**.

Page 2, line 32, reset in roman "seven hundred fifty".

Page 2, line 33, reset in roman "dollars (\$750)".

Page 2, line 33, delete "one thousand seven hundred fifty dollars".

Page 2, line 34, delete "(\$1,750)".

Page 2, line 38, delete "one thousand seven".

Page 2, line 39, delete "hundred fifty dollars (\$1,750)" and insert **"seven hundred fifty dollars (\$750)"**.

Page 3, line 9, reset in roman "two hundred dollars".

Page 3, line 10, reset in roman "(\$200)".

Page 3, line 10, delete "four hundred dollars (\$400)".

Page 3, line 14, delete "four hundred".

Page 3, line 15, delete "dollars (\$400)" and insert **"two hundred dollars (\$200)"**.

(Reference is to HB 1332 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BECKER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred House Bill 1363, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

TORR, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1365, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

HOFFMAN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred House Bill 1385, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

ALDERMAN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred

House Bill 1386, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, strike lines 5 through 7.  
 Page 1, line 8, strike "(c)" and insert "(b)".  
 Page 1, line 9, strike "in grades".  
 Page 1, line 10, strike "kindergarten through grade 8".  
 Page 1, line 10, strike "only".  
 Page 1, line 16, strike "(d)" and insert "(c)".  
 Page 2, line 1, strike "in grades 9 through 12".  
 Page 2, delete lines 4 through 15.  
 (Reference is to HB 1386 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

BEHNING, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred House Bill 1394, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

TORR, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1403, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 15, strike "as a computer generated document,".  
 Page 5, line 15, after "document," insert "**electronically**".  
 Page 9, line 10, delete "or" and insert ", a".  
 Page 9, line 10, after "written" insert ", or an **electronic**".  
 (Reference is to HB 1403 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

RIPLEY, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1407, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 27, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 57. IC 3-14-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. A voter who knowingly:

- (1) doing anything to enable any other person to see or know for what ticket, candidates, or public questions the voter has voted; ~~on a voting machine~~; or
- (2) moves into a position, or does any other thing, to enable the voter to see or know for what ticket, candidates, or public questions any other voter votes; ~~on a voting machine~~;

commits a Class D felony."

Page 28, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 62. IC 3-14-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. An inspector or poll clerk in a precinct who, for the purpose of:

- (1) deceiving a voter;
- (2) causing it to be doubtful for what ticket, candidate, or public question a vote is cast; or
- (3) causing it to appear that votes cast for one ticket, candidate, or public question were cast for another ticket, candidate, or public question;

removes, changes, or mutilates a ballot label ~~on a voting machine~~ or

any part thereof commits a Class D felony."

Page 29, line 11, delete "; IC 3-14-2-18; IC 3-14-3-7." and insert "."

Renumber all SECTIONS consecutively.

(Reference is to HB 1407 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

THOMAS, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities and Energy, to which was referred House Bill 1432, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

LUTZ J, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1446, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Small Business, to which was referred House Bill 1534, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 33, delete "three (3)" and insert "**two (2)**".

Page 4, line 29, delete "Each member" and insert "**A majority of members**".

(Reference is to HB 1534 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 3.

BORROR, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1538, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, after line 42, begin a new paragraph and insert:

"SECTION 5. IC 5-10-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

**Chapter 14. Emergency and Public Safety Employee Disability from Certain Cancers or Heart or Lung Disease Presumed Incurred in the Line of Duty**

**Sec. 1. As used in this chapter, "at risk for occupational exposure" means that an individual incurs risk in performing the basic duties of the individual's employment, including:**

- (1) providing emergency medical treatment in a nonhealth care setting where there is a potential for contact with a:
  - (A) known carcinogen; or
  - (B) substance or condition that adversely affects an individual's cardiovascular or respiratory system;
- (2) working at the scene of an accident, a fire, or another rescue or public safety operation, or working in an emergency rescue vehicle or a public safety vehicle, during which the individual has contact with a:
  - (A) known carcinogen; or
  - (B) substance or condition that adversely affects an

- individual's cardiovascular or respiratory system;
- (3) engaging in the pursuit, apprehension, and arrest of law violators, during which the individual may be exposed to a:
  - (A) known carcinogen; or
  - (B) substance or condition that adversely affects an individual's cardiovascular or respiratory system; or
- (4) maintaining custody and physical restraint of prisoners or inmates of a prison, a jail, or another criminal detention facility, during which the individual may be exposed to a:
  - (A) known carcinogen; or
  - (B) substance or condition that adversely affects an individual's cardiovascular or respiratory system.

**Sec. 2.** As used in this chapter, "employee" means an individual who:

- (1) is employed full time by the state or a political subdivision of the state as:
  - (A) a member of a fire department (as defined in IC 36-8-1-8);
  - (B) an emergency medical services provider (as defined in IC 16-41-10-1); or
  - (C) a member of a police department (as defined in IC 36-8-1-9);
- (2) in the course of the individual's employment is at risk for occupational exposure; and
- (3) is not employed elsewhere by the state or a political subdivision of the state in a similar capacity.

**Sec. 3.** As used in this chapter, "exposure related cancer" refers to a cancer that is caused by a known carcinogen to which an individual is at risk for occupational exposure.

**Sec. 4.** As used in this chapter, "exposure related heart or lung disease" refers to a disease or an impairment of the cardiovascular or respiratory system caused by a substance or condition to which an individual is at risk for occupational exposure.

**Sec. 5.** As used in this chapter, "known carcinogen" refers to a substance or an agent the exposure to which is recognized by the:

- (1) International Agency for Research on Cancer; or
- (2) National Institute for Occupational Safety and Health; as creating a high risk for the development of cancer.

**Sec. 6.** As used in this chapter, "political subdivision" has the meaning set forth in IC 6-3.5-2-1.

**Sec. 7.** As used in this chapter, "substance or condition that adversely affects an individual's cardiovascular or respiratory system" refers to a substance or condition the exposure to which is recognized by the National Institute for Occupational Safety and Health as creating a high risk for the development of heart or lung disease.

**Sec. 8. (a)** An employee who:

- (1) is diagnosed with an exposure related cancer or exposure related heart or lung disease that:
  - (A) requires medical treatment; or
  - (B) results in total or partial disability; and
- (2) at the time of the diagnosis:
  - (A) is actively employed; or
  - (B) has terminated employment not more than sixty (60) months earlier;

is presumed to have a disability incurred in the line of duty.

(b) The presumption described in subsection (a) may be rebutted by competent evidence.

(c) A meeting or hearing held to rebut the presumption described in subsection (a) may be held as an executive session under IC 5-14-1.5-6.1(b)(1).

**Sec. 9.** This chapter does not affect the requirements for determining eligibility for disability benefits provided by the state or a political subdivision of the state except to the extent of determining whether an employee incurred a disability in the line of duty.

**SECTION 6.** IC 36-8-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 8. (a)** For a member who became disabled before July 1, 2000, the 1925 fund shall be used to pay a pension in a sum determined by the local board, but not exceeding:

- (1) for a disability or disease occurring before July 1, 1982, fifty

percent (50%); and

- (2) for a disability or disease occurring after June 30, 1982, fifty-five percent (55%);

of the salary of a first class patrolman, to a member of the police department who has suffered or contracted a mental or physical disease or disability that renders the patrolman unable to perform the essential functions of any duty in the police department, considering reasonable accommodation to the extent required by the Americans with Disabilities Act. If a member who becomes eligible for a disability pension has more than twenty (20) years of service, the member is entitled to receive a disability pension equal to the pension the member would have received if the member had retired on the date of the disability.

(b) Except as otherwise provided in this subsection, for a member who becomes disabled after June 30, 2000, the 1925 fund shall be used to pay a pension in a sum determined by the local board, but not exceeding fifty-five percent (55%) of the salary of a first class patrolman, to a member of the police department who has suffered or contracted a mental or physical disease or disability:

- (1) that is:

(A) the direct result of:

- (i) a personal injury that occurs while the fund member is on duty;
- (ii) a personal injury that occurs while the fund member is off duty and is responding to an offense or a reported offense, in the case of a police officer; or
- (iii) an occupational disease (as defined in IC 22-3-7-10), including a duty related disease that is also included within clause (B);

(B) a duty related disease (for purposes of this section, a "duty related disease" means a disease arising out of the fund member's employment. A disease is considered to arise out of the fund member's employment if it is apparent to the rational mind, upon consideration of all of the circumstances, that:

- (i) there is a connection between the conditions under which the fund member's duties are performed and the disease;
- (ii) the disease can be seen to have followed as a natural incident of the fund member's duties as a result of the exposure occasioned by the nature of the fund member's duties; and
- (iii) the disease can be traced to the fund member's employment as the proximate cause); or

(C) a disability presumed incurred in the line of duty under IC 5-10-13 or IC 5-10-14; and

- (2) that renders the member unable to perform the essential functions of any duty in the police department, considering reasonable accommodation to the extent required by the Americans with Disabilities Act.

If a member who becomes eligible for a disability pension has more than twenty (20) years of service, the member is entitled to receive a disability pension equal to the pension the member would have received if the member had retired on the date of the disability.

(c) Except as otherwise provided in this subsection, for a member who becomes disabled after June 30, 2000, the 1925 fund shall be used to pay a pension in a sum determined by the local board, but not exceeding fifty-five percent (55%) of the salary of a first class patrolman, to a member of the police department who has suffered or contracted a mental or physical disease or disability:

- (1) that is not described in subsection (b)(1); and
- (2) that renders the member unable to perform the essential functions of any duty in the police department, considering reasonable accommodation to the extent required by the Americans with Disabilities Act.

If a member who becomes eligible for a disability pension has more than twenty (20) years of service, the member is entitled to receive a disability pension equal to the pension the member would have received if the member had retired on the date of the disability.

(d) The member must have retired from active service after a physical examination by the police surgeon or another surgeon appointed by the local board. The disability must be determined solely by the local board after the examination and a hearing

conducted under IC 36-8-12.7. A member shall be retained on active duty with full pay until the member is retired by the local board because of the disability.

(e) After a member has been retired upon pension, the local board may, at any time, require the retired member to again be examined by the police surgeon or another surgeon appointed by the local board. After the examination the local board shall conduct a hearing under IC 36-8-12.7 to determine whether the disability still exists and whether the retired member should remain on the pension roll. The retired member shall be retained on the pension roll until reinstated in the service of the police department, except in case of resignation. If after the examination and hearing the retired member is found to have recovered from the member's disability and to be again fit for active duty, then the member shall be put on active duty with full pay and from that time is no longer entitled to payments from the 1925 fund. If the member fails or refuses to return to active duty, the member waives all rights to further benefits from the 1925 fund.

(f) If the salary of a first class patrolman is increased or decreased, the pension payable shall be proportionately increased or decreased. However, the monthly pension payable to a member or survivor may not be reduced below:

- (1) the amount of the first full monthly pension received by that person; or
- (2) fifty-five percent (55%) of the salary of a first class patrolman;

whichever is greater.

(g) Time spent receiving disability benefits is considered active service for the purpose of determining retirement benefits until the member has a total of twenty (20) years of service.

(h) A fund member who is receiving disability benefits under ~~this chapter subsection (a) or (c)~~ shall be transferred from disability to regular retirement status when the member becomes fifty-five (55) years of age.

**(i) A fund member who is receiving disability benefits under subsection (b) is entitled to:**

- (1) receive a disability benefit for the remainder of the fund member's life; and**
- (2) have the amount of the disability benefit computed under section 9 of this chapter when the fund member becomes fifty-five (55) years of age.**

SECTION 7. IC 36-8-7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) Benefits paid under this section are subject to section 2.5 of this chapter.

(b) If a member of the fire department becomes seventy (70) years of age or is found upon examination by a medical officer to be physically or mentally disabled and unable to perform the essential functions of the job, considering reasonable accommodation to the extent required by the Americans with Disabilities Act, so as to make necessary the person's retirement from all service with the department, the local board shall retire the person.

(c) The local board may retire a person for disability only after a hearing conducted under IC 36-8-8-12.7.

(d) If after the hearing the local board determines that a person who became disabled before July 1, 2000, is disabled and unable to perform the essential functions of the job, considering reasonable accommodation to the extent required by the Americans with Disabilities Act, the local board shall then authorize the monthly payment to the person from the 1937 fund of an amount equal to fifty-five percent (55%) of the salary of a fully paid first class firefighter in the unit at the time of the payment of the pension. All physical and mental examinations of members of the fire department shall be made on order of the local board by a medical officer designated by the local board.

(e) If after the hearing under this section and a recommendation under section 12.5 of this chapter, the 1977 fund advisory committee determines that a person who becomes disabled after June 30, 2000:

- (1) has a disability that is:

(A) the direct result of:

- (i) a personal injury that occurs while the fund member is on duty;
- (ii) a personal injury that occurs while the fund member is responding to an emergency or reported emergency for which the fund member is trained; or

(iii) an occupational disease (as defined in IC 22-3-7-10), including a duty related disease that is also included within clause (B);

(B) a duty related disease (for purposes of this section, a "duty related disease" means a disease arising out of the fund member's employment. A disease is considered to arise out of the fund member's employment if it is apparent to the rational mind, upon consideration of all of the circumstances, that:

(i) there is a connection between the conditions under which the fund member's duties are performed and the disease;

(ii) the disease can be seen to have followed as a natural incident of the fund member's duties as a result of the exposure occasioned by the nature of the fund member's duties; and

(iii) the disease can be traced to the fund member's employment as the proximate cause); or

(C) a disability presumed incurred in the line of duty under IC 5-10-13 or IC 5-10-14; and

(2) is unable to perform the essential functions of the job, considering reasonable accommodation to the extent required by the Americans with Disabilities Act;

the local board shall then authorize the monthly payment to the person from the 1937 fund of an amount equal to fifty-five percent (55%) of the salary of a fully paid first class firefighter in the unit at the time of the payment of the pension. All physical and mental examinations of members of the fire department shall be made on order of the local board by a medical officer designated by the local board.

(f) If after the hearing under this section and a recommendation under section 12.5 of this chapter, the 1977 fund advisory committee determines that a person who becomes disabled after June 30, 2000:

(1) has a disability that is not a disability described in subsection (e)(1); and

(2) is unable to perform the essential functions of the job, considering reasonable accommodation to the extent required by the Americans with Disabilities Act;

the local board shall then authorize the monthly payment to the person from the 1937 fund of an amount equal to fifty-five percent (55%) of the salary of a fully paid first class firefighter in the unit at the time of the payment of the pension. All physical and mental examinations of members of the fire department shall be made on order of the local board by a medical officer designated by the local board.

SECTION 8. IC 36-8-7-12.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12.1. (a) Benefits paid under this section are subject to section 2.5 of this chapter.

(b) A member who has been in service twenty (20) years, upon making a written application to the fire chief, may be retired from all service with the department without a medical examination or disability. Except as provided in subsection (f), the local board shall authorize the payment to the retired member of fifty percent (50%) of the salary of a fully paid first class firefighter of the unit at the time of the payment of the pension, plus:

(1) for a member who retires before January 1, 1986, two percent (2%) of that salary for each year of service; or

(2) for a member who retires after December 31, 1985, one percent (1%) of that salary for each six (6) months of service; over twenty (20) years. However, the pension in one (1) year may not exceed an amount greater than seventy-four percent (74%) of the salary of a fully paid first class firefighter.

(c) A member who is discharged from the fire department after having served at least twenty (20) years is entitled to receive the amount equal to the amount that the member would have received if the member retired voluntarily.

(d) All pensions in a class are on an equal basis. The local board may not depart from this chapter in authorizing the payment of pensions.

(e) The monthly pension payable to a member may not be reduced below the amount of the first full monthly pension received by that person.

(f) The monthly pension payable to a member who is transferred from disability to regular retirement status may not be reduced below fifty-five percent (55%) of the salary of a fully paid first class



firefighter in the unit at the time of the payment of the pension.

(g) A benefit payable under this section shall be paid in not less than twelve (12) monthly installments.

(h) A fund member who is receiving disability benefits under **section 11(d) or 11(f)** of this chapter shall be transferred from disability to regular retirement status when the member becomes fifty-five (55) years of age.

**(i) A fund member who is receiving disability benefits under section 11(e) of this chapter is entitled to:**

**(1) receive a disability benefit for the remainder of the fund member's life; and**

**(2) have the amount of the disability benefit computed under section 11(e) of this chapter when the fund member becomes fifty-five (55) years of age.**

SECTION 9. IC 36-8-7.5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. (a) For a member who becomes disabled before July 1, 2000, the 1953 fund shall be used to pay a pension in an annual sum equal to:

(1) fifty percent (50%) for a disease or disability occurring before July 1, 1991; and

(2) fifty-five percent (55%) for a disease or disability occurring after June 30, 1991;

of the salary of a first class patrolman in the police department, computed and payable as prescribed by section 12(b) of this chapter, to an active member of the police department who has been in active service for more than one (1) year and who has suffered or contracted a mental or physical disease or disability that render the member permanently unfit for active duty in the police department, or to an active member of the police department who has been in active service for less than one (1) year who has suffered or received personal injury from violent external causes while in the actual discharge of the member's duties as a police officer. The pensions provided for in this subsection shall be paid only so long as the member of the police department remains unfit for active duty in the police department.

(b) For a member who becomes disabled after June 30, 2000, the 1953 fund shall be used to pay a pension in an annual sum equal to fifty-five percent (55%) of the salary of a first class patrolman in the police department, computed on an annual basis and payable in twelve (12) equal monthly installments, to an active member of the police department who:

(1) has suffered or incurred a disability that renders the member permanently unfit for active duty in the police department and that is:

(A) the direct result of:

(i) a personal injury that occurs while the fund member is on duty;

(ii) a personal injury that occurs while the fund member is off duty and is responding to an offense or a reported offense; or

(iii) an occupational disease (as defined in IC 22-3-7-10), including a duty related disease that is also included within clause (B);

(B) a duty related disease (for purposes of this section, a "duty related disease" means a disease arising out of the fund member's employment. A disease is considered to arise out of the fund member's employment if it is apparent to the rational mind, upon consideration of all of the circumstances, that:

(i) there is a connection between the conditions under which the fund member's duties are performed and the disease;

(ii) the disease can be seen to have followed as a natural incident of the fund member's duties as a result of the exposure occasioned by the nature of the fund member's duties; and

(iii) the disease can be traced to the fund member's employment as the proximate cause); or

(C) a disability presumed incurred in the line of duty under IC 5-10-13 or IC 5-10-14; and

(2) is unable to perform the essential functions of the job, considering reasonable accommodation to the extent required by the Americans with Disabilities Act.

The pensions provided for in this subsection shall be paid only so long as the member of the police department remains unfit for active duty in the police department. If the salary of a first class patrolman is increased or decreased, the pension payable shall be proportionately increased or decreased. However, the monthly pension payable to a member or survivor may not be reduced below the amount of the first full monthly pension received by that person.

(c) For a member who becomes disabled after June 30, 2000, the 1953 fund shall be used to pay a pension in an annual sum equal to fifty-five percent (55%) of the salary of a first class patrolman in the police department, computed on an annual basis and payable in twelve (12) equal monthly installments, to an active member of the police department who has been in active service for at least one (1) year and:

(1) has suffered or incurred a disability that:

(A) renders the member permanently unfit for active duty in the police department; and

(B) is not described in subsection (b)(1); and

(2) is unable to perform the essential functions of the job, considering reasonable accommodation to the extent required by the Americans with Disabilities Act.

The pension provided in this subsection shall be paid only so long as the member of the police department remains unfit for active duty in the police department. If the salary of a first class patrolman is increased or decreased, the pension payable shall be proportionately increased or decreased. However, the monthly pension payable to a member or survivor may not be reduced below the amount of the first full monthly pension received by that person.

(d) For a member who became disabled before July 1, 2000, the 1953 fund shall be used to pay temporary benefits in an annual sum equal to thirty percent (30%) of the salary of a first class patrolman in the police department, computed and payable as prescribed by section 12(a) of this chapter, to an active member of the police department who has been in active service for more than one (1) year and who has suffered any physical or mental disability that renders the member temporarily or permanently unable to perform **his the member's** duties as a member of the police department, or to an active member of the police department who has been in active service for less than one (1) year and who has suffered or received personal injury from violent external causes while in the actual discharge of the member's duties as a police officer, until the time the member is physically and mentally able to return to active service on the police department.

(e) For a member who becomes disabled after June 30, 2000, the 1953 fund shall be used to pay a pension in an annual sum equal to thirty percent (30%) of the salary of a first class patrolman in the police department, computed on an annual basis and payable in twelve (12) equal monthly installments, to an active member of the police department who:

(1) suffers or incurs a disability that renders the member temporarily unfit for active duty in the police department and that is:

(A) the direct result of:

(i) a personal injury that occurs while the fund member is on duty;

(ii) a personal injury that occurs while the fund member is off duty and is responding to an offense or a reported offense, in the case of a police officer; or

(iii) an occupational disease (as defined in IC 22-3-7-10), including a duty related disease that is also included within clause (B);

(B) a duty related disease (for purposes of this section, a "duty related disease" means a disease arising out of the fund member's employment. A disease is considered to arise out of the fund member's employment if it is apparent to the rational mind, upon consideration of all of the circumstances, that:

(i) there is a connection between the conditions under which the fund member's duties are performed and the disease;

(ii) the disease can be seen to have followed as a natural incident of the fund member's duties as a result of the exposure occasioned by the nature of the fund member's

duties; and

(iii) the disease can be traced to the fund member's employment as the proximate cause); or

(C) a disability presumed incurred in the line of duty under IC 5-10-13 or IC 5-10-14; and

(2) is unable to perform the essential functions of the job, considering reasonable accommodation to the extent required by the Americans with Disabilities Act.

The pension provided in this subsection shall be paid only so long as the member of the police department remains unfit for active duty in the police department. If the salary of a first class patrolman is increased or decreased, the pension payable shall be proportionately increased or decreased. However, the monthly pension payable to a member or survivor may not be reduced below the amount of the first full monthly pension received by that person.

(f) For a member who becomes disabled after June 30, 2000, the 1953 fund shall be used to pay temporary benefits in an annual sum equal to thirty percent (30%) of the salary of a first class patrolman in the police department, computed on an annual basis and payable in twelve (12) equal monthly installments, to an active member of the police department:

(1) who has been in active service for at least one (1) year;

(2) suffers or incurs a disability that:

(A) renders the member temporarily unfit for active duty in the police department; and

(B) is not described in subsection (e)(1); and

(3) is unable to perform the essential functions of the job, considering reasonable accommodation to the extent required by the Americans with Disabilities Act.

The pension provided for in this subsection shall be paid only so long as the member of the police department remains unfit for active duty in the police department. If the salary of a first class patrolman is increased or decreased, the pension payable shall be proportionately increased or decreased. However, the monthly pension payable to a member or survivor may not be reduced below the amount of the first full monthly pension received by that person.

(g) If an application is made by an active member of the police department because of physical or mental disability for temporary benefits as provided in subsection (d), (e), or (f), the benefit is not payable until the local board determines after a hearing conducted under IC 36-8-8-12.7 that the member is unfit for active duty on the police department, considering reasonable accommodation to the extent required by the Americans with Disabilities Act. Before the hearing, a physician to be appointed by the local board shall examine the member and certify in writing whether in the physician's opinion the member is unfit, physically or mentally, for active duty in the police department. After the pension or benefit has been granted by the local board, the payment commences with the original date of the injury or illness causing the disability.

(h) A member who has been granted a disability benefit under this section and who fails or refuses to submit to a physical examination at any time by the local board physician has no right in the future to receive the disability benefit, and any benefit that has been granted shall be immediately canceled by the local board.

(i) The local board may, from time to time, require a member of the police department who is receiving at any time disability benefits or pensions as provided in this section to be examined by the physician appointed by the local board. After the examination, the local board shall conduct a hearing under IC 36-8-8-12.7 to determine whether the disability still exists and whether the member should continue to receive the pension or benefit. If after the examination and hearing the member is found to have recovered from the member's disability and is fit for active duty on the police department, then upon written notice to the member by the local board, the member shall be reinstated in active service, the safety board shall be informed of the action of the local board, and from that time the member is no longer entitled to payments from the 1953 fund. If the member fails or refuses to return to active duty after ordered by the local board, the member ceases to be a member of the 1953 fund and waives all rights to any further pensions or benefits provided by the 1953 fund.

(j) Notwithstanding any other provision of this chapter, no disability benefit may be paid for any disability based upon or caused by any mental or physical condition that a member had at the time the

member entered or reentered the member's active service in the police department.

(k) If a member who is receiving disability benefits under subsection (a), (b), or (c) for a disease or disability occurring after June 30, 1991, is transferred from disability to regular retirement status, the member's monthly pension may not be reduced below fifty-five percent (55%) of the salary of a first class patrolman at the time of payment of the pension.

(l) To the extent required by the Americans with Disabilities Act, the transcripts, reports, records, and other material compiled to determine the existence of a disability shall be:

(1) kept in separate medical files for each member; and

(2) treated as confidential medical records.

(m) A fund member who is receiving disability benefits under ~~this chapter subsection (d) or (f)~~ shall be transferred from disability to regular retirement status when the member becomes fifty-five (55) years of age.

**(n) A fund member who is receiving disability benefits under subsection (e) is entitled to:**

**(1) receive a disability benefit for the remainder of the fund member's life; and**

**(2) have the amount of the disability benefit computed under section 12 of this chapter when the fund member becomes fifty-five (55) years of age.**

SECTION 10. IC 36-8-8-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) Benefits paid under this section are subject to sections 2.5 and 2.6 of this chapter.

(b) If an active fund member has a covered impairment, as determined under sections 12.3 through 13.1 of this chapter, the member is entitled to receive the benefit prescribed by section 13.3 or 13.5 of this chapter. A member who has had a covered impairment and returns to active duty with the department shall not be treated as a new applicant seeking to become a member of the 1977 fund.

(c) If a retired fund member who has not yet reached the member's fifty-second birthday is found by the PERF board to be permanently or temporarily unable to perform all suitable work for which the member is or may be capable of becoming qualified, the member is entitled to receive during the disability the retirement benefit payments payable at fifty-two (52) years of age. During a reasonable period in which a disabled fund member is becoming qualified for suitable work, the member may continue to receive disability benefit payments. However, benefits payable for disability under this subsection are reduced by amounts for which the fund member is eligible from:

(1) a plan or policy of insurance providing benefits for loss of time because of disability;

(2) a plan, fund, or other arrangement to which the fund member's employer has contributed or for which the fund member's employer has made payroll deductions, including a group life policy providing installment payments for disability, a group annuity contract, or a pension or retirement annuity plan other than the fund established by this chapter;

(3) the federal Social Security Act (42 U.S.C. 401 et seq.), the Railroad Retirement Act (45 U.S.C. 231 et seq.), the United States Department of Veterans Affairs, or another federal, state, local, or other governmental agency;

(4) worker's compensation payable under IC 22-3; and

(5) a salary or wage, including overtime and bonus pay and extra or additional remuneration of any kind, the fund member receives or is entitled to receive from the member's employer.

For the purposes of this subsection, a retired fund member is considered eligible for benefits from subdivisions (1) through (5) whether or not the member has made application for the benefits.

(d) Notwithstanding any other law, a plan, policy of insurance, fund, or other arrangement:

(1) delivered, issued for delivery, amended, or renewed after April 9, 1979; and

(2) described in subsection (c)(1) or (c)(2);

may not provide for a reduction or alteration of benefits as a result of benefits for which a fund member may be eligible from the 1977 fund under subsection (c).

(e) Time spent receiving disability benefits is considered active service for the purpose of determining retirement benefits until the

fund member has a total of twenty (20) years of service.

(f) A fund member who is receiving disability benefits:

- (1) under **section 13.3(d) of this chapter; or**
- (2) **based on a determination under this chapter that the fund member has a Class 3 impairment;**

shall be transferred from disability to regular retirement status when the member becomes fifty-five (55) years of age.

(g) **A fund member who is receiving disability benefits:**

- (1) **under section 13.3(c) of this chapter; or**
- (2) **based on a determination under this chapter that the fund member has a Class 1 or Class 2 impairment;**

**is entitled to receive a disability benefit for the remainder of the fund member's life.**

SECTION 11. IC 36-8-8-12.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12.5. (a) This section applies only to a fund member who:

- (1) is hired for the first time after December 31, 1989;
- (2) chooses coverage by this section and section 13.5 of this chapter under section 12.4 of this chapter; or
- (3) is described in section 12.3(c)(2) of this chapter.

(b) At the same hearing where the determination of whether the fund member has a covered impairment is made, the local board shall determine the following:

- (1) Whether the fund member has a Class 1 impairment. A Class 1 impairment is a covered impairment that is the direct result of one (1) or more of the following:

(A) A personal injury that occurs while the fund member is on duty.

(B) A personal injury that occurs while the fund member is off duty and is responding to:

- (i) an offense or a reported offense, in the case of a police officer; or
- (ii) an emergency or reported emergency for which the fund member is trained, in the case of a firefighter.

(C) An occupational disease (as defined in IC 22-3-7-10). A covered impairment that is included within this clause and subdivision (2) shall be considered a Class 1 impairment.

(D) A health condition caused by an exposure risk disease that results in a presumption of disability or death incurred in the line of duty under IC 5-10-13.

- (2) Whether the fund member has a Class 2 impairment. A Class 2 impairment is a covered impairment that is:

(A) a duty related disease. A duty related disease means a disease arising out of the fund member's employment. A disease shall be considered to arise out of the fund member's employment if it is apparent to the rational mind, upon consideration of all of the circumstances, that:

~~(A)~~ (i) there is a connection between the conditions under which the fund member's duties are performed and the disease;

~~(B)~~ (ii) the disease can be seen to have followed as a natural incident of the fund member's duties as a result of the exposure occasioned by the nature of the fund member's duties; and

~~(C)~~ (iii) the disease can be traced to the fund member's employment as the proximate cause; **or**

**(B) a health condition caused by an:**

**(i) exposure related heart or lung disease; or**

**(ii) exposure related cancer;**

**that results in a presumption of disability incurred in the line of duty under IC 5-10-14.**

- (3) Whether the fund member has a Class 3 impairment. A Class 3 impairment is a covered impairment that is not a Class 1 impairment or a Class 2 impairment.

SECTION 12. IC 36-8-8-13.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13.3. (a) This section applies only to a fund member who:

- (1) is hired for the first time before January 1, 1990; and
- (2) does not choose coverage by sections 12.5 and 13.5 of this chapter under section 12.4 of this chapter.

This section does not apply to a fund member described in section 12.3(c)(2) of this chapter.

(b) A fund member:

- (1) who became disabled before July 1, 2000;
- (2) is determined to have a covered impairment; and
- (3) for whom it is determined that there is no suitable and available work within the fund member's department, considering reasonable accommodation to the extent required by the Americans with Disabilities Act;

is entitled to receive during the disability a benefit equal to the benefit that the fund member would have received if the fund member had retired. If the disabled fund member does not have at least twenty (20) years of service or is not at least fifty-two (52) years of age, the benefit is computed and paid as if the fund member had twenty (20) years of service and was fifty-two (52) years of age.

(c) Except as otherwise provided in this subsection, a fund member:

- (1) who becomes disabled after July 1, 2000;
- (2) who is determined to have a covered impairment that is:

(A) the direct result of:

(i) a personal injury that occurs while the fund member is on duty;

(ii) a personal injury that occurs while the fund member is off duty and is responding to an offense or a reported offense, in the case of a police officer, or an emergency or reported emergency for which the fund member is trained, in the case of a firefighter; or

(iii) an occupational disease (as defined in IC 22-3-7-10), including a duty related disease that is also included within clause (B); **or**

(B) a duty related disease (for purposes of this section, a "duty related disease" means a disease arising out of the fund member's employment. A disease is considered to arise out of the fund member's employment if it is apparent to the rational mind, upon consideration of all of the circumstances, that:

(i) there is a connection between the conditions under which the fund member's duties are performed and the disease;

(ii) the disease can be seen to have followed as a natural incident of the fund member's duties as a result of the exposure occasioned by the nature of the fund member's duties; and

(iii) the disease can be traced to the fund member's employment as the proximate cause); **and or**

**(C) a disability presumed incurred in the line of duty under IC 5-10-13 or IC 5-10-14; and**

- (3) for whom it is determined that there is no suitable and available work within the fund member's department, considering reasonable accommodation to the extent required by the Americans with Disabilities Act;

is entitled to receive during the disability a benefit equal to the benefit that the fund member would have received if the fund member had retired. If the disabled fund member does not have at least twenty (20) years of service or is not at least fifty-two (52) years of age, the benefit is computed and paid as if the fund member had twenty (20) years of service and was fifty-two (52) years of age.

(d) Except as otherwise provided in this subsection, a fund member:

- (1) who becomes disabled after July 1, 2000;
- (2) who is determined to have a covered impairment that is not a covered impairment described in subsection ~~(c)(2)(A)~~ **or** ~~(c)(2)(B)~~; **(c)(2); and**
- (3) for whom it is determined that there is no suitable and available work within the fund member's department, considering reasonable accommodation to the extent required by the federal Americans with Disabilities Act;

is entitled to receive during the disability a benefit equal to the benefit that the fund member would have received if the fund member had retired. If the disabled fund member does not have at least twenty (20) years of service or is not at least fifty-two (52) years of age, the benefit is computed and paid as if the fund member had twenty (20) years of service and was fifty-two (52) years of age.

(e) Notwithstanding section 12.3 of this chapter and any other provision of this section, a member who:

- (1) has had a covered impairment;
- (2) recovers and returns to active service with the department; and
- (3) within two (2) years after returning to active service has an impairment that except for section 12.3 of this chapter would be a covered impairment;

is entitled to the benefit under this subsection if the impairment described in subdivision (3) results from the same condition or conditions (without an intervening circumstance) that caused the covered impairment described in subdivision (1). The member is entitled to receive the monthly disability benefit amount paid to the member at the time of the member's return to active service plus any adjustments under section 15 of this chapter that would have been applicable during the member's period of reemployment."

Renumber all SECTIONS consecutively.  
(Reference is to HB 1538 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

RUPPEL, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1553, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

- Page 5, line 27, reset in roman "One (1) member".
  - Page 5, line 27, after "may" insert "**must**".
  - Page 5, line 27, reset in roman "be a licensed".
  - Page 5, line 28, reset in roman "physician".
  - Page 11, line 7, delete "IC 33-36-3-5(b) and" and insert "**IC 16-42-5-28, IC 33-36-3-5(b), or**".
  - Page 11, line 13, delete "and" and insert "**or**".
  - Page 11, line 29, strike "that are".
  - Page 12, line 16, after "enforce public" insert "**health**".
  - Page 12, line 25, delete "the buildings" and insert "**unsafe**".
  - Page 13, line 10, after "receive" insert "**and make**".
  - Page 13, line 10, delete "gifts," and insert "gifts".
  - Page 13, line 10, strike "donations, bequests, and public trusts and".
  - Page 13, strike lines 11 through 12.
  - Page 14, line 21, strike "adopt".
  - Page 14, line 22, after "govern" insert "**determine**".
  - Page 15, line 3, strike "board of the".
- (Reference is to HB 1553 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

BECKER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1561, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

BUDAK, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1587, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

- Page 2, line 12, delete "and".
  - Page 2, line 13, delete "employee." and insert "**employee; and**  
(C) **must be displayed by the employee when the employee is working outside the office.**".
- (Reference is to HB 1587 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

BUDAK, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1611, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 5.

BUCK, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Small Business, to which was referred House Bill 1639, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

- Page 3, line 30, after "property" insert "**reasonably**".
- Page 3, line 40, after "picture" insert "**or an audio production**".
- Page 3, line 41, delete "picture" and insert "**picture or audio production**".
- Page 4, line 4, after "video" insert "**or an audio recording**".
- Page 4, between lines 17 and 18, begin a new paragraph and insert:  
"SECTION 3. IC 6-3.1-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]:

#### Chapter 1.5. Sale or Assignment of Tax Credits

Sec. 1. As used in this chapter, "qualified taxpayer" means a taxpayer that:

- (1) makes a qualified investment described in IC 6-3.1-13.5-3;
- (2) makes a qualified investment described in IC 6-3.1-26-8(8); or
- (3) incurs qualified expenses (as defined in IC 6-3.1-29-5).

Sec. 2. Notwithstanding any other provision, a qualified taxpayer:

- (1) that is entitled to a tax credit under this article for a qualified investment or a qualified expense enumerated in section 1 of this chapter; and
- (2) for which the tax credit or any part of the tax credit exceeds the qualified taxpayer's tax liability, after the application of any other credits that are claimed by the taxpayer;

may, after December 31, 2005, sell, assign, convey, or otherwise transfer the unused part of the tax credit that exceeds the qualified taxpayer's tax liability.

Sec. 3. A sale, an assignment, a conveyance, or a transfer of a tax credit under this chapter must be in writing, and both the qualified taxpayer and the person to which the credit is sold, assigned, conveyed, or transferred must report the sale, assignment, conveyance, or transfer on their state tax returns in the manner prescribed by the department.

Sec. 4. The department shall adopt rules under IC 4-22-2 that are necessary to administer this chapter."

- Page 4, line 35, after "pictures" insert "**or audio productions**".
- Page 5, line 25, after "pictures" insert "**or audio productions**".
- Page 5, line 33, after "Picture" insert "**and Audio**".
- Page 5, line 36, after "picture" insert "**or audio production**".
- Page 5, line 38, after "picture" insert "**or audio**".
- Page 5, line 40, after "pictures" insert "**or audio productions**".
- Page 6, line 7, after "picture" insert "**or an audio**".
- Page 6, line 9, after "picture" insert "**or an audio production**".
- Page 6, line 41, after "picture" insert "**or an audio production**".
- Page 8, line 19, after "institution" insert "**reasonably**".
- Page 9, line 27, after "film" insert "**or audio**".
- Page 9, line 28, after "(a)" insert "**IC 6-3.1-1.5 and**".
- Page 9, line 28, after "IC 6-3.1-29," insert "**both**".
- Page 9, line 29, delete "applies" and insert "**apply**".

Renumber all SECTIONS consecutively.  
(Reference is to HB 1639 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BORROR, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1646, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 11, line 5, delete "broker" and insert "intermediary".

Page 11, line 6, delete "broker" and insert "intermediary".

Page 11, delete lines 15 through 42, begin a new paragraph and insert:

"SECTION 6. IC 27-8-19.8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. As used in this chapter, "insured" refers to an individual ~~who has a catastrophic or life threatening illness or condition~~ whose life is the subject of insurance under a life insurance policy or certificate.

SECTION 7. IC 27-8-19.8-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.1. As used in this chapter, "viatical representative" means a person that offers or sells a viatical settlement purchase agreement.

SECTION 8. IC 27-8-19.8-4.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.3. As used in this chapter, "viatical settlement agent" means a person that:

(1) represents a viatical settlement provider; and

(2) solicits, offers, or attempts to negotiate a viatical settlement contract with a viator.

SECTION 9. IC 27-8-19.8-4.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.7. As used in this chapter, "viatical settlement intermediary" means the following:

(1) A viatical settlement agent.

(2) A viatical settlement broker.

(3) A viatical representative.

SECTION 10. IC 27-8-19.8-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.3. As used in this chapter, "viatical settlement purchase agreement" means an agreement through which a person other than a viatical settlement provider purchases or is assigned an interest in a:

(1) viaticated policy; or

(2) viatical settlement contract.

SECTION 11. IC 27-8-19.8-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8.5. In addition to the licensure requirement specified in section 9(1) of this chapter, the following must be licensed as an insurance producer with a life qualification under IC 27-1-15.6-7:

(1) A viatical settlement broker.

(2) A person who solicits, offers, or attempts to negotiate a viatical settlement contract with a viator agent.

SECTION 12. IC 27-8-19.8-8.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8.6. The following are exempt from the licensing requirement under IC 27-8-19.8-8.5: requirements of sections 8.5 and 9(1) of this chapter:

(1) An accountant, an attorney, or a financial planner retained to represent the viator, and whose compensation is paid directly by or at the direction of the viator.

(2) A regularly salaried officer or employee of a viatical settlement broker or viatical settlement provider, if the officer or employee's duties and responsibilities do not include the solicitation or negotiation of viatical settlement contracts.

(3) The following persons, to the extent that the person is engaged in the administration or operation of a program of employee benefits for the person's employees or the employees of the person's subsidiaries or affiliates involving the use of viatical settlement contracts issued by a licensed viatical settlement provider, if the person is not in any manner directly

or indirectly compensated by the viatical settlement provider:

(A) An employer.

(B) An officer or employee of an employer.

(C) A trustee of an employee trust plan."

Page 12, delete lines 1 through 5.

Page 12, line 9, delete "broker" and insert "intermediary".

Page 12, line 10, delete "broker" and insert "intermediary".

Page 12, line 33, delete "broker" and insert "intermediary".

Page 12, line 34, delete "broker" and insert "intermediary".

Page 12, line 37, delete "broker must" and insert "intermediary must".

Page 12, line 37, delete "broker examination" and insert "intermediary examination".

Page 12, line 40, delete "broker" and insert "intermediary".

Page 12, line 41, delete "broker" and insert "intermediary".

Page 13, line 5, delete "broker" and insert "intermediary".

Page 13, line 6, delete "broker" and insert "intermediary".

Page 13, line 7, delete "broker" and insert "intermediary".

Page 13, line 11, delete "broker" and insert "intermediary".

Page 13, line 21, delete "broker." and insert "intermediary."

Page 13, line 25, delete "broker." and insert "intermediary."

Page 13, line 32, delete "broker" and insert "intermediary".

Page 13, line 34, delete "broker license" and insert "intermediary license".

Page 13, line 34, delete "broker:" and insert "intermediary:".

Page 13, line 36, delete "broker's" and insert "intermediary's".

Page 14, line 40, delete "broker" and insert "intermediary".

Page 14, line 42, delete "broker" and insert "intermediary".

Page 15, line 1, delete "broker" and insert "intermediary".

Page 15, line 14, delete "broker" and insert "intermediary".

Page 15, line 15, delete "broker" and insert "intermediary".

Page 15, line 16, delete "broker" and insert "intermediary".

Page 15, line 18, delete "broker" and insert "intermediary".

Page 15, line 20, delete "broker" and insert "intermediary".

Page 15, line 21, delete "broker" and insert "intermediary".

Page 15, line 26, delete "broker" and insert "intermediary".

Page 15, line 30, delete "broker" and insert "intermediary".

Page 15, line 32, delete "broker" and insert "intermediary".

Page 15, line 37, delete "broker" and insert "intermediary".

Page 15, line 38, delete "broker" and insert "intermediary".

Page 15, line 40, delete "broker's" and insert "intermediary's".

Page 15, line 41, delete "broker" and insert "intermediary".

Page 16, line 2, delete "broker" and insert "intermediary".

Page 16, line 27, delete "broker's" and insert "intermediary's".

Page 16, line 33, delete "broker" and insert "intermediary".

Page 16, line 34, delete "as a viatical settlement broker;" and insert "in the viatical settlement intermediary's capacity as a viatical settlement agent, viatical settlement broker, or viatical representative;".

Page 16, line 40, delete "broker" and insert "intermediary".

Page 17, line 3, delete "broker" and insert "intermediary".

Page 17, line 7, delete "broker" and insert "intermediary".

Page 17, delete lines 8 through 32, begin a new paragraph and insert:

"SECTION 24. IC 27-8-19.8-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 24. A viatical settlement provider shall obtain the following before entering into a viatical settlement contract:

(1) If the viator is the insured, a written statement from a licensed attending physician that the insured is of sound mind and under no constraint or undue influence.

(2) A document signed by the viator and witnessed by two (2) disinterested witnesses in which the viator does the following:

(A) Consents to the viatical settlement contract.

(B) If the insured has a catastrophic or life threatening illness or condition, acknowledges the catastrophic or life threatening illness or condition.

(C) Represents that the viator has a full and complete understanding of the viatical settlement contract.

(D) Represents that the viator has a full and complete understanding of the benefits of the life insurance policy.

(E) Acknowledges that the viator has entered into the viatical settlement contract freely and voluntarily.

(F) Discloses the identity of any person that served as a viatical settlement broker in connection with the viatical settlement contract.

(3) A document in which the insured consents to the release of the insured's medical records.

SECTION 25. IC 27-8-19.8-24.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 24.9. (a) The viatical settlement provider or viatical settlement ~~broker~~ **intermediary** may contact the insured for the purpose of determining the health status of the insured not more than:

(1) one (1) time every three (3) months for an insured with a life expectancy of more than one (1) year; or

(2) one (1) time every month for an insured with a life expectancy of not more than one (1) year.

(b) Contacts made with an insured under subsection (a) must be made by mail unless the parties agree to another method of contact.

SECTION 26. [EFFECTIVE JULY 1, 2005] **(a) A viatical settlement intermediary shall comply with IC 27-8-19.8-9(1), as amended by this act, and IC 27-8-19.8-10.1, as added by this act, not later than December 31, 2006.**

**(b) This SECTION expires December 31, 2008."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1646 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

RIPLEY, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1696, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

BUDAK, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1729, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, reset in roman "used".

Page 1, line 4, after "used" insert "or".

Page 1, line 9, strike "collected" and insert "collect the tax".

(Reference is to HB 1729 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 0.

ESPICH, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1736, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

RIPLEY, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1746, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

ULMER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1764, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 1.

HOFFMAN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1765, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

HOFFMAN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1798, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-9.1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. ~~Transportation Costs; Certain Parochial School Students; No Charge: When school children who are attending a parochial school in any school corporation reside on or along the highway constituting the regular route of a public school bus;~~ (a) The governing body of ~~the~~ a school corporation shall provide transportation for ~~them~~ school children who are attending a parochial school located in the geographic area of the school corporation on the school bus if the school corporation provides transportation as provided in IC 20-9.1-2-1. This transportation shall be from their homes, or from some point on the regular route nearest or most easily accessible to their homes, to and from the parochial school or to and from the point on the regular route which is nearest or most easily accessible to the parochial school.

**(b) The school corporation may:**

**(1) hire additional school bus drivers;**

**(2) enter into an additional transportation contract;**

**(3) enter into a fleet contract;**

**(4) establish additional routes as needed; or**

**(5) perform any combination of these;**

**in order to fulfill the requirements of subsection (a).**

(Reference is to HB 1798 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 2.

DUNCAN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1812, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 6, strike "Where the legal settlement of a student, in a situation to which".

Page 2, strike lines 7 through 11.

Page 2, line 12, delete "(A)".

Page 2, line 12, strike "are able to support the student but have placed".

Page 2, line 12, after "him" delete "the".  
 Page 2, line 13, delete "student".  
 Page 2, line 13, strike "in the home of another person; or".  
 Page 2, line 14, delete "(B)".  
 Page 2, line 14, strike "permitted the student to live with another person."  
 Page 2, run in lines 6 through 17.  
 Page 2, strike lines 22 through 23.  
 Page 2, line 24, delete "a contributing reason in placing or permitting".  
 Page 2, line 24, strike "the child".  
 Page 2, line 25, delete "to reside".  
 Page 2, line 25, strike "with a person other than a parent".  
 Page 2, lines 26, delete "was not".  
 Page 2, line 26, strike "the purpose of attending a particular school, the student's".  
 Page 2, delete lines 27 through 28.  
 Page 2, line 29, strike "school".  
 Page 3, line 41, strike "the form".  
 Page 3, strike line 42.  
 Page 4, strike lines 1 through 2.  
 Page 4, line 3, delete "(1)".  
 Page 4, line 3, strike "execution of the latter form by the person and its continuance".  
 Page 4, line 4, strike "in force".  
 Page 4, line 4, delete "and".  
 Page 4, delete lines 5 through 8.  
 Page 4, line 9, delete "are conditions".  
 Page 4, line 9, strike "to the application of subsection (a)(2), (a)(3), or (a)(5)".  
 Page 4, run in lines 2 through 9.  
 Page 4, strike lines 10 through 16 and insert "a manual designed for assisting persons needing legal guardianship over an abandoned student under subsection (a)(3) to locate available legal aid services for assistance and to introduce methods and forms for proceeding through a local court with proper jurisdiction without legal representation."  
 (Reference is to HB 1812 as introduced.)  
 and when so amended that said bill do pass.  
 Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

## HOUSE BILLS ON SECOND READING

### House Bill 1268

Representative Pond called down House Bill 1268 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1268-3)

Mr. Speaker: I move that House Bill 1268 be amended to read as follows:

Page 2, line 23, delete "incorporated" and insert "**unincorporated**".

(Reference is to HB 1268 as printed February 4, 2005.)

POND

Motion prevailed.

#### HOUSE MOTION (Amendment 1268-2)

Mr. Speaker: I move that House Bill 1268 be amended to read as follows:

Page 1, delete lines 1 through 11.

Page 2, line 21, after "burn" insert "**untreated**".

Page 2, line 23, delete "incorporated" and insert "**unincorporated**".

Page 2, line 24, delete "located on the same site the construction of the" and insert "**that:**

**(A) has a capacity of not more than fifteen (15) cubic feet; and**

**(B) is located on the same site the construction of the structure occurred."**

Page 2, delete line 25.

Page 2, delete lines 32 through 42.

Delete page 3.

Renumber all SECTIONS consecutively.

(Reference is to HB 1268 as printed February 4, 2005.)

MAHERN

Motion prevailed.

#### HOUSE MOTION (Amendment 1268-4)

Mr. Speaker: I move that House Bill 1268 be amended to read as follows:

Page 1, between lines 11 and 12, begin a new paragraph and insert: "SECTION 2. IC 13-17-6-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: **Sec. 13. (a) A taxpayer is entitled to a deduction from the taxpayer's adjusted gross income for a particular taxable year if, during that taxable year, the taxpayer incurs expenses for the:**

- (1) abatement;**
- (2) removal;**
- (3) renovation;**
- (4) enclosure;**
- (5) repair; and**
- (6) encapsulation;**

**of asbestos containing material in the performance of an asbestos project under this chapter.**

**(b) The amount of the deduction to which a taxpayer is entitled in a particular taxable year is the amount the taxpayer pays for labor and materials for the asbestos project performed under this chapter during the taxable year.**

**(c) To obtain the deduction provided by this section, the taxpayer must file with the department of state revenue proof of the taxpayer's expenses for the asbestos project and a list of the persons or corporations who supplied labor or materials for the asbestos project."**

Page 3, after line 2, begin a new paragraph and insert:

**"SECTION 5. [EFFECTIVE JANUARY 1, 2006] IC 13-17-6-13, as added by this act, applies to taxable years beginning after December 31, 2005."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1268 as printed February 4, 2005.)

C. BROWN

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

#### APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative C. Brown's amendment (1268-4) is not germane to House Bill 1268.

Rule 80 provides a member the right to amend a bill on subjects germane to the subject of the bill under consideration. Amendment 4 is germane to House Bill 1268 because both measures concern the environment.

PELATH  
C. BROWN

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

The question was, Shall the ruling of the Chair be sustained? Roll Call 96: yeas 47, nays 45. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

There being no further amendments the bill was ordered engrossed.

### House Bill 1402

Representative Borders called down House Bill 1402 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1402-1)

Mr. Speaker: I move that House Bill 1402 be amended to read as follows:

Page 2, line 5, after "association" insert "**or professional insurance association**".

(Reference is to HB 1402 as printed February 1, 2005.)

BORDERS

Motion prevailed. The bill was ordered engrossed.

## ENGROSSED HOUSE BILLS ON THIRD READING

### Engrossed House Bill 1137

Representative Murphy called down Engrossed House Bill 1137 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 97: yeas 65, nays 30. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Ford.

### Engrossed House Bill 1211

Representative Goodin called down Engrossed House Bill 1211 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 98: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Jackman and Server.

### Engrossed House Bill 1288

Representative Foley called down Engrossed House Bill 1288 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 99: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kenley, Landske, Antich-Carr, and Bowser.

### Engrossed House Bill 1320

Representative Becker called down Engrossed House Bill 1320 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 100: yeas 65, nays 30. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Miller, Server, and Simpson.

### Engrossed House Bill 1326

Representative Becker called down Engrossed House Bill 1326 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 101: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server and Simpson.

### Engrossed House Bill 1357

Representative C. Brown called down Engrossed House Bill 1357 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 102: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Dillon, S. Smith, and Miller.

### Engrossed House Bill 1358

Representative C. Brown called down Engrossed House Bill 1358 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 103: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Miller, Rogers, and Dillon.

### Engrossed House Bill 1431

Representative Friend called down Engrossed House Bill 1431 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 104: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Weatherwax, R. Meeks, Hershman, and Lewis.

### Engrossed House Bill 1590

Representative Moses called down Engrossed House Bill 1590 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 105: yeas 92, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Long, Wyss, and Howard.

### Engrossed House Bill 1593

Representative Ruppel called down Engrossed House Bill 1593 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.



The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 106: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Heinold, Dillon, and L. Lutz.

### Engrossed House Bill 1794

Representative Behning called down Engrossed House Bill 1794 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 107: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Lubbers.

### Engrossed House Bill 1113

Representative Richardson called down Engrossed House Bill 1113 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 108: yeas 67, nays 27. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator C. Lawson.

## OTHER BUSINESS ON THE SPEAKER'S TABLE

### Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1066, 1332, 1385, 1386, 1534, 1538, 1561, 1639, 1696, and 1764 had been referred to the Committee on Ways and Means.

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1078, Roll Call 86, on February 7, 2005. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

TINCHER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 86 to 88 yeas, 0 nays.*]

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1137, Roll Call 97, on February 8, 2005. In support of this petition, I submit the following reason:

"I was present but was unable to reach my seat before the machine closed. I intended to vote yea."

BURTON

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 97 to 65 yeas, 30 nays.*]

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to

change my voting record on the third reading of Engrossed House Bill 1288, Roll Call 99, on February 8, 2005. In support of this petition, I submit the following reason:

"I was present but was unable to reach my seat before the machine closed. I intended to vote yea."

STUTZMAN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 99 to 91 yeas, 0 nays.*]

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1326, Roll Call 101, on February 8, 2005. In support of this petition, I submit the following reason:

"I was present and in the chambers, but when I attempted to vote, the machine had closed. I intended to vote yea."

GOODIN

There being a constitutional majority voting in favor of the petition, the petition was adopted.

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1326, Roll Call 101, on February 8, 2005. In support of this petition, I submit the following reason:

"I was present and in the chambers, but when I attempted to vote, the machine had closed. I intended to vote yea."

KUZMAN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: adoption of the petitions of Representatives Goodin and Kuzman changes the vote tally for Roll Call 101 to 94 yeas, 0 nays.*]

#### HOUSE MOTION

Mr. Speaker: I move that Representative Bottorff be added as coauthor of House Bill 1063.

WOLKINS

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Austin be added as coauthor of House Bill 1137.

MURPHY

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1223.

KOCH

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Bischoff be added as coauthor of House Bill 1268.

POND

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Fry be added as coauthor of House Bill 1314.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Grubb, Welch, Crawford, Cochran, Aguilera, V. Smith, Summers, Porter, Mays, E. Harris, and Messer be added as coauthors of House Bill 1357.

C. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Tincher be removed as author, Representative Ruppel be removed as coauthor, Representative Ruppel be substituted as author, and Representative Tincher be added as coauthor of House Bill 1369.

TINCHER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Becker be added as coauthor of House Bill 1454.

L. LAWSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Cochran be removed as author and Representative Goodin be substituted as author of House Bill 1455.

COCHRAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bischoff be added as coauthor of House Bill 1537.

RUPPEL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Tincher and Bischoff be added as coauthors of House Bill 1597.

RUPPEL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Duncan, Bischoff, and Tincher be added as coauthors of House Bill 1600.

RUPPEL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as coauthor of House Bill 1794.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Behning be added as coauthor of House Bill 1799.

POND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Borrer be added as coauthor of House Bill 1822.

AUSTIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lehe be added as coauthor of House Bill 1835.

AYRES

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Bischoff, the House adjourned at 3:50 p.m., this eighth day of February, 2005, until Thursday, February 10, 2005, at 10:00 a.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives